

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
APRIL 13, 2011**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Charles Lapp, Gene Shellerud, Jim Heim, Jeff Larsen and Bob Keenan. Marc Pitman and Frank DeKort had excused absences. Allison Mouch, Alex Hogle and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 14 people in the audience.

**APPROVAL OF
MINUTES**

Heim made a motion, seconded by Keenan to approve the March 9, 2011 meeting minutes.

The motion passed by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**CONTINUATION
OF BOARD
DISCUSSION
(FZC 10-08)**

The public hearing was held on March 9, 2011. The public comment period has been closed for this item. The Board discussion will be continued and a recommendation may be made at this time

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC 10-08)**

Cross made a motion seconded by Heim to adopt staff report FZC 10-08 as findings-of-fact. ***(Made at 3-9-11 meeting)***

**BOARD
DISCUSSION**

Lapp and Grieve discussed at length procedure concerning findings of fact in relation to the board's recommendation to the commissioners.

Larsen suggested the board needed to go through the statutory criteria to see if the application met the criteria for a zone change. He was not sure of the reason to deny the request since it was next to B-2 zoning, the property was not being used as residential, and the area looked like it was trending toward residential. He was leaning toward a vote on the main motion.

Heim agreed with Larsen. He would support the proposal.

Hickey-AuClaire said she would support the proposal as well, she was aware of problems in the history of the property, but she would support the zone change.

Shellerud said his biggest concern was the allowed conditional uses and those uses might not be compatible with the residential neighborhoods around the property. He still was not in support of the application.

Lapp said when he drove around the area, other applications which were approved tended to be already a business with businesses surrounding it, whereas this area was tucked right in the middle of a residential area. He felt conditional use permits came into play in transitional areas such as this one. He felt as things started to change in the area, conditional use permits (CUPs) would come first or perhaps someone would come in for a straight zone change. He felt this application was pushing too far out into the residential area.

Cross said he didn't like the history of the property, and gave a brief summary of the history. He felt the way the applicant was going about the zone change was not appropriate and a case could probably be made for spot zoning. He had a couple of new findings which he suggested to the board. He was troubled by the master plan in relation to the application. He felt pieces could be picked out of the master plan to support an argument either way.

The board discussed the difficulty of deciding on the application.

Larsen said if the application was for a B-2 zone in the middle of a residential area, he would not be able to support it. However, it was in an area which already trended to B-2. He did not like the history of the property either, but they needed to look at the statutory criteria.

Heim said the future of the area was commercial, so why not let it happen. In reference to Lapp's past comment, he said the applicant had a CUP and now were asking for a zone change which was exactly the way Lapp had suggested things progress in transitional areas. The history of the property he believed clouded the whole issue.

Larsen suggested taking a vote to see where they were at.

The board and Grieve discussed at length what the procedure should be from this point.

**SECONDARY
MOTION TO
(Add F.O.F. #12)**

Cross motioned and Shellerud seconded to add finding of fact #12 to read:

Approval of the zone change to B-2 would allow for the creation of up to three additional lots and a wide variety of commercial uses not compatible with the adjoining residential properties.

**BOARD
DISCUSSION**

The board discussed how Cross arrived at the figure of three additional lots and commercial uses in his motion.

**ROLL CALL TO
(Add F.O.F #12)**

On a roll call vote, the motion passed unanimously.

**SECONDARY
MOTION TO
(Add F.O.F #13)**

Cross motioned and Keenan seconded to add finding of fact #13 to read:

The applicant stated in public testimony its desire to use the property for commercial purposes if it became uneconomical to continue operating as a church.

**BOARD
DISCUSSION**

Cross explained his reasons for crafting the finding.

**ROLL CALL TO
(Add F.O.F #13)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Shellerud thought finding #12 and finding #9 conflicted.

The board briefly discussed if the findings conflicted.

**MAIN MOTION
TO CALL FOR
THE QUESTION**

Larsen motioned to call for the question.

**ROLL CALL TO
ADOPT F.O.F.
(FZC 10-08)**

On a roll call vote the motion passed unanimously.

MAIN MOTION TO RECOMMEND APPROVAL OF CONDITIONS (FZC 10-08)	Larsen made a motion seconded by Heim to adopt Staff Report FZC 10-08 and recommend approval to the Board of County Commissioners.
BOARD DISCUSSION	None.
ROLL CALL TO RECOMMEND APPROVAL OF (FZC 10-08)	On a roll call vote the motion failed 3-4 with Keenan, Lapp, Cross, and Shellerud dissenting.
ROLL CALL TO RECOMMEND DENIAL OF (FZC 10-08)	Shellerud made a motion seconded by Cross to recommend denial of FZC 11-01 to the Board of County Commissioners.
BOARD DISCUSSION	None.
ROLL CALL TO RECOMMEND DENIAL OF (FZC 10-08)	On a roll call vote, the motion passed 4-3 with Heim, Larsen and Hickey-AuClaire dissenting.
BOARD DISCUSSION	<i>The board took a five minute break.</i>
JOHN VENTEICHER (FZC-11-01)	A Zone Change request in the Bigfork Zoning District by John Venteicher. The proposal would change the zoning on 16 acres from SAG-10 and SAG-5 (Suburban Agricultural) to entirely SAG-5, (Suburban Agricultural). The property is located at 50 Evenson Lane.
STAFF REPORT	Allison Mouch reviewed FZC-11-01 for the board.
BOARD QUESTIONS	Lapp and Mouch discussed how the lots would be divided and zoned.
APPLICANT PRESENTATION	John Ventiecher, 50 Evenson Lane, spoke about how the application would clean up the lines of the property and wanted the ability to possibly split two more 5 acre lots off his original 16

acres. The road was improved. He would have to improve the road farther back to where the two lots would be when the time came.

**BOARD
QUESTIONS**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC-11-01)**

Keenan made a motion seconded by Larsen to adopt staff report FZC-11-01 as findings-of-fact.

**BOARD
DISCUSSION**

Cross wanted to speak to staff on the comments in the staff report which stated SAG-5 and SAG-10 were the same. He did not believe the two designations were the same and it was a dangerous statement to make.

Hickey-AuClaire said the uses might be similar, but the densities were different.

Cross said if they were essentially the same, why have two different zoning designations. There were places where the density was extremely important.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-11-01)**

On a roll call vote, the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL
(FZC-11-01)**

Larsen made a motion seconded by Heim to adopt Staff Report FZC-11-01 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Lapp felt the application was consistent with zoning in the area.

The board discussed briefly a zone change across the road which

was turned down.

**ROLL CALL
TO
RECOMMEND
APPROVAL OF
(FZC-11-01)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Lapp and staff discussed if staff could put statements into files concerning the uses associated with horse riding for example stables, as to what was allowed and what was considered a conditional use in the application.

The board took a five minute break.

**SADDLEHORN
#11
(FPP-10-03)**

A request by Saddlehorn, LLC for Preliminary Plat approval of Saddlehorn #11, a 20 lot single-family residential subdivision on 80.61 acres, proposed to connect to a public water and sewer system. Located approximately 1 mile southeast of Bigfork, the properties are accessed from MT Highways 209 and 35.

STAFF REPORT

Alex Hogle reviewed FPP-10-03 for the board.

**BOARD
QUESTIONS**

Lapp asked if the whole Saddlehorn subdivision was finished.

Hogle reviewed and explained in detail the history of the Saddlehorn development to date.

Larsen asked why there was no variance request on the road standard of Buckaroo Trail. He discussed the reasons why there should be a variance required.

Hogle said due to the mapping of the application, he did not catch the required request for a variance. He suggested the topic would be better discussed with the applicant.

The board and Hogle discussed the placement and requirements for Buckaroo Trail and the will serve letter submitted by Bigfork Water and Sewer.

**APPLICANT
PRESENTATION**

Mike Fraser, Fraser Management, represented the applicant, and gave a detailed history of the property and the Saddlehorn development.

Fraser, Larsen and Lapp discussed at length Buckaroo Trail,

road standards, where cul-de-sacs would be located, and the plans for the roads.

Fraser continued to speak about driveway requirements and a suggested condition change which concerned the requirement, the requirements for open space and the relation of open space concerning the PUD (Planned Unit Development), and Subdivision Improvement Agreements (SIAs). He suggested the board stay with the Subdivision Regulations as far as what was required. He spoke about the condition concerning sprinklers in the homes and why he felt the condition was not necessary or enforceable.

Larsen, Cross and Fraser discussed possible commercial uses and the required fire codes for them, the sizes of the houses which required sprinkler systems, if the applicant felt the systems should be required, and where in the construction process a Lodge, Equestrian Center and employee lodging were.

The board and Fraser discussed in detail the relationship between open space and development, Saddlehorn's PUD and who owned the common area. They also discussed conditions the applicant wished to be changed.

The board, Grieve and Fraser discussed the requirements and procedures for SIAs, and requirements for fire suppression.

Jim Purcell, operating officer for Saddlehorn, spoke about the purpose behind the application, and his feelings about building requirements attached to subdivision approval.

Lapp, Cross, Purcell and Fraser discussed the approved PUD for the area and what was allowed as far as changing placement of lots after the PUD was approved, what the maximum house size was, and what the county was responsible for reviewing a PUD.

Doug Avrill, gave a history of Saddlehorn and how plans had changed to accommodate the changes of the economy. He discussed the preservation of open space, their philosophy of simpler was better for development and what they had done so far in support of that philosophy which included a cap on square footage for houses, and road construction. He stated they needed a standard to design to as far as what was required of them. He reviewed what had been done so far in an effort to meet the standards required of them. He invited the board to

take a tour of the development and spoke about the nationally recognized design accomplishments and awards received for the development. He also spoke of their fire prevention practices which had been widely adopted in the area. He asked for one standard to be given to them so they could make sure they designed to and met it.

Shellerud and Fraser discussed how the applicant would document 10% grade driveways.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

Hogle discussed the basis for condition #24.

The board and Hogle discussed the construction status of Bridal Court and Buckaroo Trail, and the layout and placement of the roads.

**APPLICANT
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FPP-10-03)**

Shellerud made a motion seconded by Keenan to adopt staff report FPP-10-03 as findings-of-fact.

**BOARD
DISCUSSION**

Shellerud, Hickey Au-Claire, Larsen and Hogle briefly discussed how the letter from Bigfork Water and Sewer affected findings.

Hogle and the board discussed staff's findings concerning agency concerns of fire safety.

Cross and Larsen discussed possible wording for amending findings.

**SECONDARY
MOTION TO
(Amend F.O.F. #4)**

Cross made a motion seconded by Larsen to amend finding of fact #4 to read:

4. The proposal to extend Buckaroo Trail as an 18-foot wide paved road with 1-foot wide shoulders for approximately 1400 feet to a cul-de-sac is appropriate because the subdivision is

located within a Planned Unit Development (PUD) which allows for roads built to that dimension. Construction of the extension of Buckaroo Trail ~~shall~~ *must* comply with the standards outlined in Section 4.7.18 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's Minimum Standards For Design and Construction because the PUD does not include unique structural specifications. *Currently submitted plans may need to be altered to meet this requirement.*

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
(Amend F.O.F. #4)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Larsen reviewed the road standards at length for the board.

The board discussed alternative wording for conditions.

Cross brought up inconsistencies between the staff report and findings and conditions.

The board helped to iron out the inconsistencies.

Hogle apologized and thanked the board for catching the mistake.

The board discussed possible wording for an amendment to finding of fact #22.

**SECONDARY
MOTION TO
(Amend F.O.F.
#22)**

Cross made a motion seconded by Lapp to amend finding of fact #22 to read:

22. ~~No variances are requested or required.~~ No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective January 15, 2009 *except currently submitted plans may need to be altered for the proposed roads to comply with applicable roadway design standards).* ~~as e~~ Compliant legal and physical access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
(Amend F.O.F.
#22)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

The board and staff discussed at length SIAs, Saddlehorn's PUD, follow up and enforcement of PUDs, PUDs in general, requirements for PUDs, and the process for PUDs.

**ROLL CALL TO
ADOPT F.O.F.
(FPP-10-03)**

On a roll call vote, the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL
(FPP-10-03)**

Cross made a motion seconded by Heim to adopt Staff Report FPP-10-03 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Lapp spoke about the existing road widths and how narrow they were. He didn't like the design and spoke about issues with having narrow roads and turnarounds. He also spoke about narrow, steep angles at intersections.

The board discussed at length the road widths, the grade of the driveways, the conditions of the roads being narrow in a mountainous area and the slope of the roads.

Heim said condition # 24 referred to driveways and asked if the condition needed to be modified.

Cross said the condition was almost verbatim to the subdivision regulations concerning driveways. He read the appropriate section from the subdivision regulations. He felt people may not agree but it was hard to fault staff for citing the subdivision regulations.

Shellerud proposed alternate wording for condition #24.

The board and staff discussed at length driveways, the feasibility of asking for the location of driveways to be notated on the final plat and how that could be accomplished if possible.

The board discussed possible wording for a motion.

**MOTION TO
(Amend
Condition # 24)**

Shellerud made a motion seconded by Keenan to amend condition #24 to read:

24. Lots C38, C39, 43, 44, 47, and 55 may be subject to steep terrain. With Final Plat application driveway profiles shall demonstrate driveways are able to built in a manner not to exceed 10% grade.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
(Amend
Condition #24)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Hickey-AuClaire spoke about two conditions she felt were repetitious.

Larsen said one of the conditions was required for the final plat.

Lapp talked about SIAs in regards as to what was required for final plat and what could be bonded. He read condition #3, #4, #6, #9, and several more. He asked if they only needed a letter and could do a SIA or if they needed to have the work completed before they could get the final plat.

Hogle and Grieve relayed the process which needed to be followed concerning SIAs and gave examples of possible SIAs, and when they were acceptable.

Lapp and staff discussed possible 'cracks' in the process in which a subdivision could fall through.

Hickey-AuClaire asked Heim how Bigfork Water and Sewer could dictate a condition they wanted about the fire department's requirements.

Heim said as far as he was concerned, they couldn't.

Hickey-AuClaire, Heim and Shellerud briefly discussed the letter which had been submitted by Bigfork Water and Sewer.

The board and staff discussed a length road curvature, road variances, the process for a road variance, road standards and a possible amendment to condition #5.

**MOTION TO
(Amend
Condition # 5)**

Cross made a motion seconded by Keenan to amend condition #5 to read:

5. All internal subdivision roads (*including the intersection of Buckaroo Trail and Bridle Court*) shall be certified by a licensed engineer and constructed and paved ~~at least 18 feet wide with drivable 1 foot wide shoulders~~ in accordance with ~~approved PUD specifications and~~ the Flathead County Minimum Standards for Design and Construction, as applicable *and amended by PUD specifications. The proposed intersection of Buckaroo Trail and Bridle Court must be re-designed to meet the Flathead County Minimum Standards for Design and Construction or else the application must be resubmitted for a Variance review.* [Sections 4.7.18, 4.7.19 FCSR]

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
(Amend
Condition #5)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Shellerud spoke about condition #20 being requested to be deleted by the applicant.

Fraser said the county had never conditioned SIAs on a third party. He explained the process and why he felt the condition should be struck.

The board discussed the stipulations for housing sprinklers, and other conditions which addressed the same issues.

**MOTION TO
(Strike Condition
20)**

Larsen made a motion seconded by Shellerud to strike condition #20.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
(Strike Condition
#20)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FPP-10-03)**

On a roll call vote the motion passed 6-1 with Lapp dissenting.

**COMMITTEE
REPORTS**

Cross and staff discussed possible timelines and meeting times for Committee B to start to work on the zoning regulations.

Hickey-AuClaire said Committee A would meet next week for a public comment period to garner feedback on their work to date on the Growth Policy. She also reviewed their work plan for the next three months concerning the Growth Policy.

OLD BUSINESS

None.

NEW BUSINESS

Grieve discussed with the board what the potential was for a work plan for the office and the fact there wasn't much room in the budget for extra projects. He also talked about taking four plans which were slated for Capital Improvement Projects (CIP) and removing them from the list entirely, to not plan for them as CIPs. He gave the reasons why he felt that option was best. He suggested an alternate proposal which was, fiscal year 12 updating the Growth Policy, fiscal year 13 and on was assembling committees of local experts to review and possibly write what plans were deemed necessary. He went on to further explain his proposal. He said the office still had Capital Equipment in the CIP such as cars, copiers, replacement schedules, etc., but he could not justify the four plans slated in the CIP in this economic climate.

The board and Grieve discussed if Grieve was permitted to hire contract workers and the issues associated with that.

Grieve quickly reviewed the highlights of his proposal for the board.

ADJOURNMENT The meeting was adjourned at approximately 10:10 pm. on a motion by Cross. The next meeting will be held at 6:00 p.m. on June 8, 2011.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6 / 8 / 11